

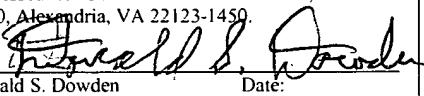
Rec'd PCT 21 DEC 2005
PATENT
1175/74050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : MØLLER LARSEN, Flemming, et al.
Serial No. : 10/534,769
Filed : May 12, 2005
For : LIGHTNING PROTECTION OF A PITCH-CONTROLLED
WIND TURBINE BLADE

RECEIVED

I hereby certify that this paper is being deposited this date with the U.S. Postal Service in first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Donald S. Dowden
Reg. No. 20,701

Date:
December 19, 2005

9 FEB 2006

Legal Staff
International Division

COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400
December 19, 2005

PETITION UNDER RULE 47

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By a separate paper filed concurrently herewith, we are responding to a Notification of Missing Requirements by submitting, among other papers, a declaration signed by one of the inventors. Since the other inventor has over an extended period of time failed or refused to execute the declaration, we are filing this petition under Rule 47.

Rule 47(a) provides that, if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent

facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor.

We are accordingly submitting herewith, in addition to the other papers referred to above, proof of the pertinent facts, the last known address of the nonsigning inventor, and the petition fee.

The nonsigning inventor is Flemming Møller Larsen. Mr. Møller Larsen is, however, an inventor in Danish application No. PA 2002 01745, of which the present application claims priority, and on November 20, 2002, executed an assignment of that application in favor of LM Glasfiber A/S, having a post office address at Rolles Mollevej 1, DK-6640 Lunderskov, Denmark. The assignee was at that time an employer of Mr. Møller Larsen.

The assignment, a copy of which is submitted herewith as Exhibit A, and which is being recorded in the USPTO by separate papers filed concurrently herewith, assigns "the entire right, title and interest in and to said Danish patent application and in and to said invention for all countries of the world, including all priority rights under the International Convention for the protection of Industrial Property associated with said Danish patent application and the entire exclusive right to any and all Letters Patent or the like which may be granted anywhere on said invention."

Clearly, Mr. Møller Larsen has an obligation to execute the declaration submitted with the Notification of Missing Requirements.

However, Mr. Møller Larsen is no longer employed by the assignee, and attempts to obtain his cooperation have been fruitless. We are advised by letter of October 18, 2004, from a patent firm representing the assignee in Europe that Mr. Møller Larsen "refuses to sign any documents" and by letter of May 11, 2005, just one day before the filing of the US application, that the same firm had received "no reaction" to a subsequent request that Mr. Møller Larsen execute the declaration and assignment.

In addition, we are submitting herewith as Exhibit B a copy of a memorandum of May 13, 2005, by Søren Hoffer, Corporate Lawyer for the assignee, reporting that he was unable

to get in touch with Mr. Møller Larsen despite correspondence and several phone calls. Mr. Hoffer concludes: "...I must therefore acknowledge and declare that we most likely will not be able to get the requested signatures from Flemming Moller Larsen."

The last known address of the nonsigning inventor, as stated in the enclosed declaration, is:

Mr. Flemming Møller Larsen

Finksvej 5, Stubbum

DK-6070 Christiansfeld

Denmark

A check for \$300.00 is enclosed, covering payment of the petition fee (\$130.00), late filing of the declaration (\$130.00), and recording of the assignment (\$40.00). Please charge any additional fees or credit any overpayment to our deposit account number 03-3125. A copy of this sheet is enclosed.

Since despite diligent effort it has not been possible to obtain the cooperation of the nonsigning inventor, it is respectfully requested that this petition be granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Respectfully submitted,
COOPER & DUNHAM LLP



Donald S. Dowden
Reg. No. 20,701

DSD:at
Encls.

Memo



LM Glasfiber

To: Whom it may concern
Copy to:
Author: Søren Høffer
Date: 13/5/2005
Regarding: Flemming Møller Larsen

We have recently retried to get out former employee Flemming Møller Larsen to sign different documents relating to inventions made by Flemming Møller Larsen during his employment and assigned to LM Glasfiber A/S, cf. the assignments attached to this memo as exhibit A and B.

May 4, 2005 I forwarded a letter (as registered post) to Flemming Møller Larsen in which I explained the situation and asked him sign "declaration and power of attorney" and "assignment". Even though Flemming Møller Larsen did receive the mentioned letter he never contacted me. I have therefore been trying to get in touch with him via several phone calls made between May 6 and today.

Unfortunately I have not been able to get in touch with Flemming Møller Larsen and I must therefore acknowledge and declare that we most likely will not be able to get the requested signatures from Flemming Møller Larsen.

Regards

LM Glasfiber A/S

A handwritten signature in black ink, appearing to read 'Høffer'.

Søren Høffer

Corporate Lawyer